

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

J.R. FLETCHER,

Plaintiff,

vs.

UNITED STATES,

Defendants.

CV 20-50-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on September 16, 2020. (Doc. 10). The Magistrate recommended Plaintiff J.R. Fletcher's motion, construed as a petition for writ of habeas corpus under 28 U.S.C. § 2241, should be DISMISSED for failure to state a claim. (Doc. 10 at 6).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this

Court does not find that the Magistrate committed clear error. Plaintiff Fletcher's federal detainer is valid because the Parole Commission issued the warrant on January 19, 1979, months before Fletcher's federal prison sentence was set to expire on July 10, 1979. Fletcher has presented no legally valid argument to remove the detainer.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 10) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff J.R. Fletcher's motion, construed as a petition for writ of habeas corpus under 28 U.S.C. § 2241, is DISMISSED for failure to state a claim.

DATED this 14th day of October, 2020.



SUSAN P. WATTERS
United States District Judge